



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

January 26, 2016

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, January 26, 2016, beginning at 7:36 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Planning & Building Director Charles Johnston, Zoning Administrator Michael Craig, Development Administrator Marne Sherman, Public Works Director Doug Fawcett, Assistant Economic Development Director Bill Freehling and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D16-34 thru D16-37). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Resolution 16-07, Approved, Authorizing the City Manager to Execute a Comprehensive Agreement and Design-Build Contract with English Construction Company, Inc. for Design and Construction of Dewatering Equipment and Related Improvements at the City's

Wastewater Treatment Plant (D16-34). After staff presentation Councilor Devine moved to approve Resolution 16-07, authorizing the City Manager to execute a Comprehensive Agreement and Design-Build Contract with English Construction Company, Inc. for design and construction of dewatering equipment and related improvements at the City's Wastewater Treatment Plant; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Ordinance 16-03, First Read Approved, Vacating a Portion of the Amelia Street Right of Way to Resolve the Former Union Bank and Trust Building Encroachment (D16-35 thru D16-36). Staff gave a brief staff presentation before the public hearing was heard.

Phillip Robins, 306 Amelia Street, asked whether there would be any adverse effects to his property and Ms. Sherman said there would be no adverse impacts to the existing physical improvements and the right of way would remain if Council chooses to approve the request. She also noted that in the Comprehensive Plan it talked about making Amelia two-way and the change would accommodate the change.

Vice-Mayor Withers moved to approve Ordinance 16-03, on first read, vacating a portion of the Amelia Street right of way to resolve the former Union Bank and Trust building encroachment adding the condition that the EDA shall pay the City the sum of \$18,000 if it realizes a gain in its sale of the property; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Suspension of the Rules. In order to place Ordinance 16-03 on for seconded read Councilor Devine moved to suspend the rules; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Ordinance 16-03, Second Read Approved, Vacating a Portion of the Amelia Street Right of Way to Resolve the Former Union Bank and Trust Building Encroachment (D16-35 thru D16-36). Vice-Mayor Withers moved to approve Ordinance 16-03, on second read, vacating a portion of the Amelia Street right of way to resolve the former Union Bank and Trust building encroachment adding the condition that the EDA shall pay the City the sum of \$18,000 if it realizes a gain in its sale of the property; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Ordinance 16-04, First Read Approved, Authorizing the City Manager to Execute a Deed of Lease Agreement with Stafford Council and Milestone Communication Management III, Inc. for Construction and Operation of a Telecommunications Tower at the Regional Landfill, 489 Eskimo Hill Road, Stafford, VA 22554 (D16-37). After a brief staff presentation Councilor Frye suggested that some of the money earned from the lease be used quarterly to benefit the citizens so they would not have to pay once a quarter to dump their trash. Mr. Whitley explained that the R-Board needed all the money they could get because they have many liabilities and this would help to expand their funding.

Vice-Mayor Withers stated that the money needed to go back to the R-Board so the citizens would not have to pay more later. Councilor Kelly also explained that because of contractual agreements this would not be possible.

Councilor Kelly moved to approve Ordinance 16-04, on first read, authorizing the City Manager to execute a Deed of Lease Agreement with Stafford Council and Milestone Communication Management III, Inc. for construction and operation of a telecommunications tower at the Regional Landfill, 489 Eskimo Hill Road, Stafford, VA 22554; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no speakers to come before the Council at this time.

Mayor Greenlaw Declared the hearing officially adjourned at 7:52 p.m.

Tonya B. Lacey
Tonya B. Lacey, Clerk of Council, CMC

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED

02-09-16



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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

January 26, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, January 26, 2016, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Planning & Building Director Charles Johnston, Zoning Administrator Michael Craig, Development Administrator Marne Sherman, Public Works Director Doug Fawcett, Assistant Economic Development Director Bill Freehling and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Bradford C. Ellis followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Leo Manster at this evening's meeting.

Public Hearings Conducted (D16-34 thru D16-37). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. There were no speakers to participate in the citizen comment portion of this evening's meeting.

Council Agenda Presented. There were no items presented to Council.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D16-38 thru D16-51). Following review and as recommended Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devein, Duffy, Ellis, Frye and Kelly. Nays (0).

- Transmittal of FRED Transit Progress Report – December 2016 (D16-38).
- Ordinance 16-02, Second Read, Rezoning Approximately 3.049 Ares of Land from Commercial Highway C-H and Residential R-2 to Planned Development Mixed Use PDMU FOR THE "Mill District" (D16-39).
- Resolution 16-04, Second Read, Amending the Fiscal Year 201 Budget by Appropriating Fiscal Year 2015 Encumbrances and Carryovers (D16-40).
- Resolution 16-08, Authorizing the City Manager to Execute a Revised Fire and EMS Mutual Aid Agreement with Spotsylvania County (D16-41).
- Resolution 16-09, Authorizing the City Manager to Execute a Fire and EMS Mutual Aid Agreement with King George County (D16-42).

- Resolution 16-10, Releasing Prior Allocations of \$121,703 in Motor Fuels Tax Funds for Various Projects (D16-43).
- Resolution 16-11, Accepting Recently Completed Streets Within the City of Fredericksburg into the City Street System and Petitioning the Virginia Department of Transportation to Add the Streets to the State Urban Street System (D16-44).
- Transmittal of Boards and Commission Minutes
 - Architectural Review Board – November 9, 2015 (D16-45).
 - Architectural Review Board Supplemental – November 26, 2015 (D16-46).
 - Architectural Review Board Supplemental – December 7, 2015 (D16-47).
 - Board of Zoning Appeals – September 21, 2015 (D16-48).
 - Planning Commission – December 9, 2015 (D16-49).
 - Potomac & Rappahannock Transportation Commission – December 3, 2015 (D16-50).
- Ordinance 16-05, First Read, Confirming the City Manager’s Declaration of a Local Emergency Due to the Imminent Threat of Disaster Posed by the Snow Storm (D16-51).

Adoption of Minutes. Councilor Devine moved approval of the January 12, 2016 Public Hearing and Regular Session minutes; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-12, Approved, Granting Lincoln Terminal Company an Amended Special Use Permit for an Expansion of the Bulk Storage Facility at 1500 Beulah Salisbury Road (D16-52 thru D16-54). After staff presentation Councilor Kelly moved to approve Resolution 16-12, granting Lincoln Terminal Company an amended special use permit for an expansion of the bulk storage facility at 1500 Beulah Salisbury Road; motion was seconded by Vice-Mayor Withers

Councilor Duffy spoke of his concerns with expanding the facility but he said with the improvements he would support.

Councilor Devine also expressed her concerns and stated that she could not support the motion but she appreciated all the work on the entrance and the safeguards that were being taken.

Councilor Kelly stated that after his meeting on site, the applicant agreed to purchase another mobile foam trailer, the applicant would pay the City their proportional share of an expansion of the right turn radii out of Buelah Salisbury Road and in the event of a spill on-site the Operator shall immediately contact the Fire Marshall and because of these changes he would support. Vice-Mayor agreed with Councilor Kelly.

Councilor Frye said he still had the same concerns he had at the last meeting and he said he appreciated all that has being done to alleviate any issues.

The motion passed by the following recorded votes. Ayes (5). Councilors Greenlaw, Withers, Duffy, Ellis and Kelly. Nays (2). Councilors Devine, Frye.

Ordinance 16-01, Second Read Approved, Amending the Zoning Regulation in the R-4 and R-8 Residential Zoning Districts and the C-T Commercial/Office-Transitional District, to Require the Front Building

Façade to be Oriented Toward the Front Yard, and, for Lots of Record Prior to April 25, 1984, to Make the Infill Front Yard Setback Mandatory, and to Reduce the Minimum Infill Side Yard Setback; Amending the Method for Calculating Average Yard Setbacks (D16-55).

After a brief staff presentation Councilor Kelly moved to approve Ordinance 16-01, on second read, amending the zoning regulation in the R-4 and R-8 Residential Zoning Districts and the C-T Commercial/Office-Transitional District, to require the front building façade to be oriented toward the front yard, and, for lots of record prior to April 25, 1984, to make the infill front yard setback mandatory, and to reduce the minimum infill side yard setback; amending the method for calculating average yard setbacks; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (5). Councilors Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (2). Councilors Greenlaw and Ellis.

Resolution 16-13, Approved, Authorizing Use of \$1,244,725 of Motor Fuels Tax Funds for Various Transportation Projects (D16-56).

Councilor Kelly moved to approve Resolution 16-13, authorizing use of \$1,244,725 of Motor Fuels Tax Funds for various transportation projects; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-14, Approved, Authorizing the City Manager to Apply to the Virginia Resources Authority for Financing for Public Safety Radio Replacements and the Renovation of the Original Walker-

Grant Middle School (D16-57 thru D16-61). After a brief staff presentation Councilors Duffy and Devine disclosed that they were members of a business, profession, occupation or group of three or more members affected by the transaction, namely they are employees of the Fredericksburg Public School system. Councilors Ellis and Frye disclosed that their spouses were members of a business, profession, occupation or group of three or more members affected by the transaction, namely they are employees of the Fredericksburg Public School system.

Councilor Devine moved to approve Resolution 16-14, authorizing the City Manager to apply to the Virginia Resources Authority for financing for public safety radio replacements and the renovation of the Original Walker-Grant Middle School; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

City Manager's Report and Council Calendar (D16-62 thru D16-63). City Manager Cameron asked if there were any questions regarding the Manager's report or the Council Calendar. Activities highlighted on the report were as follows: Project Lifesaver, City Hosts Frederick, Maryland Main Street Team, 65th Annual Fredericksburg Art Show and Sale, Winter/Spring Parks and Recreation Guide, Property Maintenance Reports for October – December 2015, and Building Construction Report for December 2015.

City Manager Cameron thanked all the City employees who provided essential services during the snow storm specifically, Public Works, Parks, Recreation and Public Facilities, Fire and EMS, Fire Chief Allen and Deputy Coordinator Victor Podbielski for opening and managing the Emergency Operations Center, Fire and Rescue, Police,

Wastewater Treatment Plant, W.C. Spratt for removing snow from downtown all night and City Council for supporting staff's recommendation to increase funding for better equipment for Public Works and Parks, Recreation and Public Facilities.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw Declared the meeting officially adjourned at 8:25 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED

02-09-16

Tonya B. Lacey
Tonya B. Lacey, Clerk of Council, CMC

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